

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KENNETH T. VAIL,	:	
	:	No. 02-CV-2933
Plaintiff	:	
	:	
v.	:	
	:	
HARLEYSVILLE GROUP, INC.,	:	
	:	JURY TRIAL DEMANDED
Defendant	:	ELECTRONICALLY FILED

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2004, upon consideration of the parties' Joint Motion to Continue Pre-Trial Requirements and Trial Date Pending the Court's Ruling on Defendant's Summary Judgment Motion, it is hereby ORDERED that pending the Court's ruling on Defendant's Summary Judgment Motion, all pre-trial requirements and the trial date are continued. Should the Court deny Defendant's summary judgment motion, pre-trial requirements will proceed as follows, or pursuant to such other schedule as the Court deems appropriate:

1. Trial memorandum – *due thirty (30) days after Court's denial of summary judgment motion*;
2. Motions *in limine* – *due seven (7) days before trial memorandum*;
3. Parties serve proposed jury instructions upon each other; exchange copies of all pre-marked exhibits; allow opposing counsel to view any models or videotapes; and notify court in writing regarding any contention that the proposed testimony of an expert witness requires a

hearing pursuant to Daubert v. Merrell Dow Pharmaceuticals, Inc. – *due one (1) week after trial memorandum;*

4. Written objections for: (a) the admissibility of an exhibit based on authenticity; (b) the adequacy of the qualifications of an expert witness expected to testify; (c) the admissibility for any reason (except relevancy) of any item of evidence expected to be offered; or (d) the admissibility of any opinion testimony from lay witnesses pursuant to F.R.E. 701 – *due two (2) weeks after trial memorandum;*

5. Parties submit one set of agreed-upon jury instructions and separate supplemental instructions, if any, which are not agreed-upon – *due three (3) weeks after trial memorandum;*

6. Submission of continuance requests – *due three (3) weeks after trial memorandum;*

7. File objections to jury instructions proposed by the other party to which party does not agree – *due four (4) weeks after trial memorandum;*

8. Parties submit separate written summaries, not to exceed two (2) pages, of contentions regarding the facts and theories concerning liability and damages – *due four (4) weeks after trial memorandum;*

9. Trial date – *at least five (5) weeks after trial memorandum, or at such other time as the Court deems appropriate.*

BY THE COURT:

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JAMES KNOLL GARDNER  
UNITED STATES DISTRICT JUDGE